IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.8190/2006
Basheera V. THE STATE OF RAJASTHAN

Date of order ::: December 22, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Liyakat Ali Khan, for the applicant.
Mr.B.L. Avasthi, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of criminal case No.134/2005 pending in the Court of Additional Chief Judicial Magistrate No.2, Kota for offence under Section 279, 337 & 304-A IPC.

Submission of the learned counsel for the applicant is that the applicant who is facing trial for offence u/s 279, 337 & 304-A IPC in the court of Additional Chief Judicial Magistrate No.2, Kota was granted bail and since he could not appear before the trial court for 15 months on account of the reason that he is a heavy vehicle driver, warrant of arrest has been issued against her by the trial court. He further submits that non-appearance of the applicant before the trial court was not intentional and was bonafide., therefore, she deserves to be granted bail.

Learned Public Prosecutor has opposed the bail application and

submitted that it is not a fit case for grant of bail.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

It is, therefore, ordered that applicant Basheera @ Jamaluddeen S/o Nijamuddeen shall be released on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs.25,000/- to the satisfaction of the learned trial court for his appearance before that Court as and when called upon to do so during pendency of the trial against him in the form of criminal case No.134/2005 pending in the Court of Additional Chief Judicial Magistrate No.2, Kota.

(PREM SHANKER ASOPA) J.

ummed/